

REMARKS

Please reconsider this application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-11, 13-20, 22, 23, 27-38, 51-59, 61, 65, 76-87, 110-114, 116, 119, 127, 131, 135, and 141-146 are pending in this application. Claims 1, 51, and 141 are independent. The remaining claims depend, directly or indirectly, from claims 1, 51, and 141.

Amendments to the Claims

Independent claims 1, 51, and 141 have been amended to clarify aspects of the invention. Dependent claims 3-9, 11, 13, 15, 17, 23, 28-30, 37, 38, 52-57, 59, 61, 65, 76, 78, 85-87, 111, 116, 119, 127, 131, 135, and 142-146 have been amended to resolve grammar and antecedent basis issues. No new matter is added by way of these amendments. Support for these amendments may be found, for example, on page 4, line 31 to page 5, line 4; on page 9, lines 27-29; on page 19, line 25 to page 20, line 10; and on page 22, lines 27-30 of the application as filed.

Objection to the Claims

Claim 51 is objected to for lack of proper antecedent basis for the phrase “the decoder.” Claim 51 has been amended to recite “a decoder,” per the Examiner’s suggestion. Accordingly, withdrawal of this objection is respectfully requested.

Claim 145 is objected to for reciting “completely access,” which is grammatically improper. Claim 145 has been amended to recite “full access,” which is both grammatically

correct and supported by the wording in the application as filed. Accordingly, withdrawal of this objection is respectfully requested.

Claim 146 is objected to because the Examiner contends that the claim language cannot be found in the specification as cited by the Applicant. Claim 146 has been amended to recite “wherein video access is prohibited to the program in the mosaic on the second channel,” as supported on page 4, line 31 to page 5, line 4 of the application as filed. Accordingly, withdrawal of this objection is respectfully requested.

Rejections under 35 U.S.C. § 103

MPEP § 2143 states that “[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious.” The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1739, 75 U.S.L.W. 4289 (2007) noted that the analysis supporting a rejection under 35 U.S.C. § 103 should be made explicit. *See*, MPEP § 2143. The analysis presented by the Examiner to support the rejection of the claims under 35 U.S.C. § 103 in the Action indicates that the Examiner found no differences between the cited prior art and the claims besides a lack of the actual combination of the elements in a single prior art reference, *i.e.*, that the Examiner is relying solely on the teachings of the prior art. *See, e.g.*, MPEP § 2143(A). Applicant respectfully submits that the Examiner’s contentions do not support an obviousness rejection of the pending claims for at least the following reasons.

Claims 1-8, 15, 16, 28-30, 35, 38, 51-56, 76-78, 83, 86, 111, 112, 114, 131, 135, 141-142, and 145

Claims 1-8, 15, 16, 28-30, 35, 38, 51-56, 76-78, 83, 86, 111, 112, 114, 131, 135, 141-142, and 145 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,594,509 (“Florin”) in view of U.S. Patent No. 5,594,794 (“Eyer”) and U.S. Patent No. 5,606,611 (“Kitada”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

Amended independent claim 1 recites, in part, (i) “receive[ing] a program in encrypted form on a first channel of the plurality of digital television channels”; and (ii) “receive[ing] the program in unencrypted form on a second channel of the plurality of digital television channels, wherein the second channel corresponds to a mosaic.” In other words, the mosaic is shown on its own separate channel, and the programs shown on the mosaic are sent to the channel with the mosaic formation. *See* page 19, lines 25-31 and page 22, lines 18-23 of the application as filed. Amended independent claims 51 and 141 recite substantially similar limitations.

The Examiner relies on Florin as teaching a mosaic and creating the mosaic from a plurality of unencrypted programs. *See* Action, p. 6. The mosaic in Florin is created by “[d]epressing the pix button on the remote control device[, which] results in the simultaneous display of multiple programs *currently transmitted* over the T/T cable, the VCR, the CD ROM and/or the other A/V devices.” [Emphasis added.] *See* Florin, column 20, lines 43-46. In other words, Florin discloses that the programs shown on the mosaic are *duplicates* of programs transmitted to other channels because the programs are taken from those other channels. Because the programs shown on the mosaic are duplicates of programs shown on other channels,

a program that is encrypted in the mosaic is also necessarily encrypted on the other channel. Florin, therefore, fails to disclose or render obvious the limitation of receiving a program in encrypted form on one channel and receiving the same program in unencrypted form for the mosaic, which is transmitted on its own separate channel. Therefore, Florin fails to disclose or render obvious the aforementioned limitations recited in (i) and (ii) above and required by the independent claims.

Further, Eyer and Kitada fail to disclose or otherwise provide that which Florin lacks. Eyer discloses providing a video service on a pay-per-view basis during a program epoch (*see* Eyer, column 1, lines 61-64). Specifically, Eyer discloses that an encrypted service is received by a receiver/decoder, and, if a secure processor generates working keys, then the encrypted service becomes decrypted. *See, e.g.*, Eyer, FIG. 1. However, Eyer fails to disclose a mosaic. In other words, only one signal of the program is transmitted in Eyer. Therefore, like Florin, Eyer fails to disclose transmitting a program that is shown on the mosaic (the second channel) in unencrypted form and also on a separate channel (the first channel) in encrypted form. Further, Kitada merely discloses a receiving station management apparatus that can perform a rewrite operation of audio and video signals more quickly (*see* Kitada, column 1, lines 7-11 and 42-45), and so Kitada fails to disclose or render obvious the limitation of showing a program in encrypted form on one channel and showing the same program in unencrypted form on the mosaic, which has its own separate channel.

In view of the above, it is clear that independent claims 1, 51, and 141 are patentable over Florin, Eyer, and Kitada, whether considered separately or in combination. The pending dependent claims are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 9, 10, 57, and 58

Claims 9, 10, 57, and 58 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Eyer, Kitada, and further in view of U.S. Patent No. 5,874,936 (“Berstis”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Florin Eyer, and Kitada fail to disclose or render obvious the limitations of independent claims 1 and 51. Further, Berstis fails to disclose or otherwise provide that which Florin, Eyer, and Kitada lack. Specifically, Berstis merely discloses a method and apparatus for automatically scrolling the contents of a window using a remote pointing device (*see* Berstis, column 2, lines 7-9). However, Bertsis fails to disclose or render obvious the limitation of showing a program in encrypted form on one channel and showing the same program in unencrypted form on the mosaic, which has its own separate channel.

In view of the above, it is clear that independent claims 1 and 51 are patentable over Florin, Eyer, Kitada, and Berstis, whether considered separately or in combination. Further, claims 9, 10, 57, and 58, which depend from either claim 1 or 51, are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 11, 13, 59, and 61

Claims 11, 13, 59, and 61 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Eyer, and Kitada, and further in view of U.S. Publication No. 2003/0101452 (“Hanaya”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Florin, Eyer, and Kitada fail to disclose or render obvious the limitations of independent claims 1 and 51. Further, Hanaya fails to disclose or otherwise provide that which Florin, Eyer, and Kitada lack. Specifically, Hanaya merely discloses a program switching device and which allows users to select a desired program very swiftly with a simple operation by preliminarily initiating the receiving operation in accordance with a cursor movement on a control display without waiting for the will determination of users” (see Hanaya, paragraph [0005]). However, Hanaya fails to disclose or render obvious the limitation of showing a program in encrypted form on one channel and showing the same program in unencrypted form on the mosaic, which has its own separate channel.

In view of the above, it is clear that independent claims 1 and 51 are patentable over Florin, Eyer, Kitada, and Hanaya, whether considered separately or in combination. Further, claims 11, 13, 59, and 61, which depend from either claim 1 or 51, are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 14 and 110

Claims 14 and 110 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Eyer, Kitada, Hanaya and further in view of US. Patent No. 5,809,204 (“Young”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Florin, Eyer, Kitada, and Hanaya fail to disclose or render obvious the limitations of independent claims 1 and 51. Further, Young fails to disclose or otherwise provide that which Florin, Eyer, Kitada, and Hanaya lack. Specifically, Young discloses a television schedule system and process with a user interface that is configured to

compensate for the particular nature of the television schedule information (*see* Young, column 2, lines 33-36). However, Young fails to disclose or render obvious the limitation of showing a program in encrypted form on one channel and showing the same program in unencrypted form on the mosaic, which has its own separate channel.

In view of the above, it is clear that independent claims 1 and 51 are patentable over Florin, Eyer, Kitada, Hanaya, and Young, whether considered separately or in combination. Claims 14 and 110, which depend indirectly from claims 1 and 51, respectively, are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 17, 18, 65, 119, and 127

Claims 17, 18, 65, 119, and 127 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Eyer, Kitada, and further in view of US Patent No. 5,903,314 (“Nijima”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Florin, Eyer, and Kitada fail to disclose or render obvious the limitations of independent claims 1 and 51. Further, Nijima fails to disclose or otherwise provide that which Florin, Eyer, and Kitada lack. Specifically, Nijima merely discloses an electrical program guide system and method by which a desired program can be selected rapidly with certainty, intuitively and directly from among a large number of programs (*see* Nijima, column 2, lines 9-13). However, Nijima fails to disclose or render obvious the limitation of showing a program in encrypted form on one channel and showing the same program in unencrypted form on the mosaic, which has its own separate channel.

In view of the above, it is clear that independent claims 1 and 51 are patentable over Florin, Eyer, Kitada, and Nijima, whether considered separately or in combination. Further, claims 17, 18, 65, 119, and 127, which depend from either claim 1 or 51, are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 19

Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Eyer, Kitada, Nijima, and further in view of WO 96/37996 ("Townsend"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Florin, Eyer, Kitada, and Nijima fail to disclose or render obvious the limitations of independent claim 1. Further, Townsend fails to disclose or otherwise provide that which Florin, Eyer, Kitada, and Nijima lack. Townsend discloses improvements in receivers for television signals. *See* Townsend, Title. Specifically, Townsend discloses a mosaic of promotional video clips simultaneously on the screen of the TV. *See* Townsend, page 34, lines 4 and 5. Townsend also discloses that the whole mosaic is transmitted as video data representing a single picture in a single channel. *See* Townsend, page 34, lines 21-23. However, like Florin, Townsend fails to disclose transmitting a program that is shown on the mosaic (the second channel) in unencrypted form and also on a separate channel (the first channel) in encrypted form. Accordingly, Townsend fails to disclose or render obvious the limitation of showing a program in encrypted form on one channel and showing the same program in unencrypted form on the mosaic, which has its own separate channel.

In view of the above, it is clear that amended independent claim 1 is patentable over Florin, Eyer, Kitada, Nijima, and Townsend, whether considered separately or in

combination. Dependent claim 19, which depends indirectly from claim 1, is patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 20, 22, and 113

Claims 20, 22, and 113 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Eyer, Kitada, and Young. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Florin, Eyer, Kitada, and Young fail to disclose or render obvious the limitations of amended independent claims 1 and 51. Specifically, Florin, Eyer, Kitada, and Young fail to disclose or render obvious the limitation of showing a program in encrypted form on one channel and showing the same program in unencrypted form on the mosaic, which has its own separate channel. In view of the above, it is clear that amended independent claims 1 and 51 are patentable over Florin, Eyer, Kitada, and Young, whether considered separately or in combination. Claims 20, 22, and 113, which depend from either claim 1 or 51, are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 23 and 27

Claims 23 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Eyer, Kitada, and Young and further in view of US Patent No. 5,815,145 (“Matthews”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, none of Florin, Eyer, Kitada, and Young disclose or render obvious the limitations of amended independent claim 1. Further, Matthews fails to disclose or

otherwise provide that which Florin, Eyer, Kitada, and Young lack. Specifically, Matthews merely discloses providing programming information to viewers of an interactive television or televideo (IT) system. The programming information includes video display images, and preferably a multi-frame video segment of or relating to the programming on at least one channel (*see* Matthews, column 2, lines 6-8). However, Matthews fails to disclose or render obvious the limitation of showing a program in encrypted form on one channel and showing the same program in unencrypted form on the mosaic, which has its own separate channel.

In view of the above, it is clear that amended independent claim 1 is patentable over Florin, Eyer, Kitada, Young, and Matthews whether considered separately or in combination. Claims 23 and 27, which depend indirectly from claim 1, are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 31, 33, 36, 56, 79, 84, and 116

Claims 31, 33, 36, 56, 79, 84, and 116 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Eyer, Kitada, and Matthews. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, none of Florin, Eyer, and Kitada disclose or render obvious the limitations of amended independent claims 1 and 51. In addition, it logically follows from the above description in which Matthews fails to disclose or render obvious the limitations of amended independent claim 1, that Matthews must also fail to disclose or render obvious the limitations of amended independent claim 51. In view of the above, it is clear that amended independent claims 1 and 51 are patentable over Florin, Eyer, Kitada, and Matthews, whether considered separately or in combination. Claims 31, 33, 36, 56, 79, 84, and 116, which depend

from either claim 1 or 51, are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 32, 80, and 81

Claims 32, 80, and 81 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Eyer, Kitada, Matthews, and further in view of US Patent No. 5,663,757 ("Morales"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, none of Florin, Eyer, Kitada, and Matthews disclose or render obvious the limitations of amended independent claims 1 and 51. Further, Morales fails to disclose or otherwise provide that which Florin, Eyer, Kitada, and Matthews lack. Specifically, Morales merely discloses a wide range interactive two way communication video system operable nation-wide over satellite links has comprehensive local data processing stations for network subscribers that give a wide range of choices for customizing system features (*see* Morales, Abstract). However, Morales fails to disclose or render obvious the limitation of showing a program in encrypted form on one channel and showing the same program in unencrypted form on the mosaic, which has its own separate channel.

Thus, it is clear that amended independent claims 1 and 51 are patentable over Florin, Eyer, Kitada, Matthews, and Morales, whether considered separately or in combination. Claims 32, 80, and 81, which depend from either claim 1 or 51, are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 34 and 82

Claims 34 and 82 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Eyer, Kitada, and further in view of US Publication No. 2001/0052135 (“Balakrishnan”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, none of Florin, Eyer, and Kitada disclose or render obvious the limitations of amended independent claims 1 and 51. Further, Balakrishnan fails to disclose or otherwise provide that which Florin, Eyer, Kitada lack. Specifically, Balakrishnan merely discloses implementing an interactive broadcast program, which includes a transmitter for transmitting a multiplexed data stream which includes a main program and a plurality of different commercials, and a receiver (e.g., a digital television receiver) configured to receive the multiplexed data stream (*see* Balakrishnan, paragraph [0005]). However, Balakrishnan fails to disclose or render obvious the limitation of showing a program in encrypted form on one channel and showing the same program in unencrypted form on the mosaic, which has its own separate channel.

In view of the above, it is clear that amended independent claims 1 and 51 are patentable over Florin, Eyer, Kitada, and Balakrishnan, whether considered separately or in combination. Claims 34 and 82, which depend indirectly from claims 1 and 51, respectively, are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 37 and 85

Claims 37 and 85 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Eyer, Kitada, and further in view of US Patent No. 5,978,649 (“Kahn”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, none of Florin, Eyer, and Kitada discloses or renders obvious the limitations of amended independent claims 1 and 51. Further, Kahn fails to supply that which Florin, Eyer, and Kitada lack. Specifically, Kahn merely discloses transmitting a communication signal to a plurality of receiver units wherein each receiver unit has authorization information identifying subsets of the communication signal that the receiver unit is authorized to process (*see* Kahn, column 2, lines 11-14). However, Kahn fails to disclose or render obvious the limitation of showing a program in encrypted form on one channel and showing the same program in unencrypted form on the mosaic, which has its own separate channel.

In view of the above, it is clear that amended independent claims 1 and 51 are patentable over Florin, Eyer, Kitada, and Kahn, whether considered separately or in combination. Claims 37 and 85, which depend from claims 1 and 51, respectively, are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 143 and 144

Claims 143 and 144 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Eyer, Kitada, and further in view of US Patent No. 5,036,537 (“Jeffers”). To the

extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, none of Florin, Eyer, and Kitada discloses or renders obvious the limitations of amended independent claims 1 and 51. Further, Jeffers fails to disclose or otherwise provide that which Florin, Eyer, and Kitada lack. Specifically, Jeffers merely discloses a geographic blackout method for use with such systems in which all receiver units within a given geographic area are simultaneously prevented from displaying a program to be blacked out through the use of a single command sequence (*see* Jeffers, column 1, lines 9-14). However, Jeffers fails to disclose or render obvious the limitation of showing a program in encrypted form on one channel and showing the same program in unencrypted form on the mosaic, which has its own separate channel.

In view of the above, it is clear that amended independent claims 1 and 51 are patentable over Florin, Eyer, Kitada, and Jeffers, whether considered separately or in combination. Claims 143 and 144, which depend directly from claims 1 and 51, respectively, are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 146

Claim 146 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin, Eyer, Kitada, and further in view of US Patent No. 5,872,588 ("Aras"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, none of Florin, Eyer, and Kitada discloses or renders obvious the limitations of amended independent claim 1. Further, Aras fails to disclose or otherwise

provide that which Florin, Eyer, and Kitada lack. Specifically, Aras merely discloses a method and apparatus for content coding of audio-visual materials (*see* Aras, Abstract). However, Aras fails to disclose or render obvious the limitation of showing a program in encrypted form on one channel and showing the same program in unencrypted form on the mosaic, which has its own separate channel.

In view of the above, it is clear that amended independent claim 1 is patentable over Florin, Eyer, Kitada, and Aras, whether considered separately or in combination. Claim 146, which depends directly from claim 1, is patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 11345/028001).

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Respectfully submitted,

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